UNITED STATES DEPARTMENT OF LABOR

FRANCES PERKINS, Secretary

CHILDREN'S BUREAU - Katharine F. Lenroot, Chief

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Child-Welfare Legislation

1938

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LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF LABOR,
CHILDREN'S BUREAU,
Washington, August 25, 1939.

MADAM: Transmitted herewith is a report on Child-Welfare Legislation, 1938. The entire report except the section on child labor was the work of Freda Ring Lyman of the Legal Research Unit; Rosamond K. Stickney of the Industrial Division wrote the child-labor section.

Respectfully submitted.

KATHARINE F. LENROOT, *Chief.*

HON. FRANCES PERKINS,
Secretary of Labor.

Child-Welfare Legislation, 1938

During the calendar year 1938 the legislatures of 9 States—Kentucky, Louisiana, Massachusetts, Mississippi, New Jersey, New York, Rhode Island, South Carolina, and Virginia—and Puerto Rico met in regular session. In 2 of these States—Massachusetts and Mississippi—and in 13 other States—Arizona, Arkansas, California, Georgia, Idaho, Illinois, Indiana, Kansas, Michigan, New Mexico, North Carolina, Ohio, and Pennsylvania—special sessions were held.

During this year the Congress of the United States passed the Federal Fair Labor Standards Act and the Federal Juvenile Delinquency Act. In addition Congress enacted a new juvenile-court law for the District of Columbia.

The following summary covers laws passed by these States and Puerto Rico and by Congress, affecting child welfare, child health, and child labor. Analyses are also included of a few other measures of interest which became law or were prevented from becoming law by popular vote at the elections of 1938.

STATE AND LOCAL WELFARE DEPARTMENTS

Laws relating to the organization and responsibilities of State and local welfare agencies were enacted in Puerto Rico and in 15 States—California, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Virginia.

In Michigan the voters rejected an act [No. 257] of the 1937 legislature to establish a State department of public assistance.

California.

A constitutional amendment proposed by the legislature and approved at the election in November authorized the legislature to provide for the administration of relief and to modify, transfer, or enlarge the powers vested in the relief administrator, the relief commission, or other State agency or official concerned with the administration of relief or laws appertaining thereto. [Extra sess., Con. Res. ch. 18.]

The legislature approved an amendment to the charter of the city of Santa Monica, which had been ratified at the municipal election on December 7, 1937, providing for a merit system for city employees. [Extra sess., Con. Res. ch. 4.]

Georgia.

The State department of public welfare was authorized to expend part of its appropriation for the biennium ending June 30, 1939, to pay the administrative operating expenses of county departments of public welfare (but not to exceed 10 percent of total pensions paid)

and to match Federal funds for old-age assistance, aid to dependent children, aid to needy blind, and for a crippled children's program. [Extra sess., 1937–38, p. 68.]

In accordance with a constitutional amendment adopted by the electors in June 1937, the counties were given authority by the legislature to provide by tax, not exceeding 3 mills per year, for payment of old-age assistance, assistance to the needy blind and to dependent children, and "other welfare benefits" administered by the State department of public welfare. [Extra sess., 1937–38, p. 292.]

All gubernatorial appointments to public offices created by law were declared subject to confirmation by the senate. The act was given retroactive effect to include appointees to offices so created since January 1, 1937. [Extra sess., 1937–38, p. 203.]

Revision of laws concerning the organization and powers of certain county boards of commissioners of roads and revenues included provisions relating to responsibility for the promotion of health and welfare. [Extra sess., 1937–38, Montgomery County, pp. 856, 865; Grady County, pp. 837, 841; Douglas County, p. 803.] Charter revisions in a few cities included similar provisions. [Extra sess., Buford, p. 953; Jesup, p. 1142; Roberta, p. 1273.]

Illinois.

The law relating to the method of appointing county superintendents of public welfare and the administrative staffs of county departments of public welfare (except in Cook County) was amended to require selection on the basis of competitive examinations held by the State department of public welfare. (Formerly the county boards submitted lists of five desirable candidates for the position of superintendent of public welfare to the State department, which held examinations and certified to the county board for appointment the names of the best fitted among these; and the county superintendent of public welfare selected his administrative staff in conformity with minimum qualifications established by the State department of public welfare and subject to its approval.) [Extra sess., p. 27.]

Indiana.

Provision was made for additional State reimbursement to counties during the calendar year 1939 for expenditures for welfare services exclusive of the operation of institutions. [Extra sess., ch. 5.]

Kansas.

An emergency social-welfare fund was established, and the State board of social welfare was authorized to make grants from this fund to counties having extraordinarily heavy social-welfare costs. [Extra sess., ch. 66.]

Kentucky.

The organization of the division of hospitals and mental hygiene of the State department of welfare was specified and its responsibilities for mental-hygiene activities enumerated. [2d extra sess., ch. 1.]

A constitutional amendment was proposed to require the legislature to provide by law for assistance to the aged, to the blind, and to de-

pendent children, and for other assistance in cooperation with the Federal Government under the Social Security Act and acts amendatory thereto. This act is subject to popular vote at the election in 1939. [Ch. 20.]

Amendments to charters of cities of the second and third class included provisions for a civil-service system for city employees. [Chs. 53, 114.]

Louisiana.

A constitutional amendment proposed by the legislature and adopted at the election in November abolished the State board of charities and corrections. Its duties were vested in the department of public welfare under the Welfare Organization Act of 1938 (see below) and the adoption law of 1938 (see p. 11). [Act 389.]

The Welfare Organization Act of 1938 amended the Welfare Organization Act of 1936, which had created State and parish departments of public welfare. The new provisions staggered the terms of the State and parish welfare boards and specified that each member is to serve for a 5-year period (formerly during term of the Governor appointing them); established in the State department a bureau of finance and a bureau of research and statistics (a bureau of public assistance and a bureau of child welfare were already provided for); gave the commissioner of the department authority to create new bureaus and full authority (formerly subject to approval of the State board) to allocate and reallocate functions among the various bureaus and divisions, also to appoint State, district, and parish personnel (except the parish and district boards). The department was directed to promulgate rules and regulations to carry out the act, binding on the parishes and other local units and on private agencies subject to the department's supervision. Its authority to establish standards of service for State, district, and parish personnel was broadened to include classification and compensation plans and method of selection. New responsibilities placed with the department include the duty to administer and supervise all public child-welfare activities relating to children who are dependent, neglected, delinquent or in danger of becoming delinquent, or who are physically or mentally handicapped; to establish, extend, and strengthen services to such children in parish or district departments; to license and supervise public and private agencies, institutions, and individuals caring for children, under the rules and regulations of the State department; and to provide such other services for children as may be authorized by law; also to administer public-assistance funds, child-welfare funds, and funds for assistance to the handicapped. The department was also authorized to enter into agreements with welfare agencies of other States concerning services to residents and nonresidents. All records of the State and parish departments of public welfare were declared confidential. The expense of carrying out the duties of the State and parish departments (formerly limited to the State department) was made a State charge. [Act 344.]

The members of the State board of public welfare were designated also as the members of the State hospital board. [Act 58.]

The department of public welfare was given certain duties in cooperation with the State hospital board with respect to placing

and adoption of children from the maternity hospital to be established in Baton Rouge (see p. 11). [Act 170.]

The Public Assistance Act of 1938 combined in one law the provisions of three public-assistance measures enacted in 1936—providing for aid to the needy aged, to the needy blind, and to dependent children—and simplified the procedure for granting aid. [Act 359.]

A law applicable to the city and parish of New Orleans made provision for a merit system for employees of the city and parish. [Act 187.]

Massachusetts.

A special unpaid commission was created to investigate the State civil-service laws and the rules and regulations made thereunder, with a view to revision and codification. The commission was directed to report with recommendations on or before December 7, 1938. [Resolves, ch. 82.]

The office of superintendent of State aid for the city of Lowell was placed under civil service. [Ch. 91.]

The office of commissioner of welfare of the city of Revere was placed under civil service by legislative act, which was made subject to approval at the city election in 1938. [Ch. 194.]

Additions to the law for the support of the poor provided that two or more towns may on recommendation of the State commissioner of public welfare or by vote of each town and with approval of the commissioner, unite in the formation of a public-welfare district. The State department of public welfare was directed to supervise the work of such districts and was authorized to make rules as necessary, including rules for the efficient use of the persons employed by the districts. Provision was made for State reimbursement for one-third of the amount paid by such districts for salaries and expenses. [Ch. 476.]

The board of public welfare of the town of Weymouth was authorized, by an act subject to vote at the annual town meeting in 1938, to appoint a welfare agent. [Ch. 7.]

Cities, towns, and districts were empowered to borrow money outside their authorized debt limit for public-welfare purposes during 1938. [Ch. 58.]

Michigan.

The vote at the November election defeated an act of 1937 (No. 257) to create a State department of public assistance. This act, which was suspended by initiative petition pending the vote at the election, would have become effective January 1, 1938. As the attorney general ruled that this act and six others on subjects closely related to it (Nos. 258–263) must be construed together, the result of the vote rendered all these acts inoperative.

Mississippi.

The powers of the State department of public welfare were broadened to include administration or supervision of all public child-welfare services; licensing and inspection of private child-caring agencies and supervision and inspection of local public child-caring

agencies, institutions, and boarding homes; and supervision of the care of dependent and neglected children in foster homes or institutions, of the importation of children, and of the operation of all State institutions for children. The county departments of public welfare were authorized to provide such protective services for dependent children as will conserve home life and to assume responsibility for the care and support of dependent children needing public care away from their own homes, including placing of such children and cooperation with public or private authorities in such placing. Maintenance of children in need of care in their own homes or in foster homes under circumstances not requiring that they become wards of court is to be provided from public funds made available for welfare services. [Ch. 172.]

New Jersey.

The authority of the State board of children's guardians over the person and property of its wards was redefined and clarified to facilitate administration of the guardianship of such property. [Ch. 160.]

The State financial-assistance commission was authorized to prescribe municipal relief standards, including the number of persons municipalities may employ on public assistance, and was given power to withhold State funds from municipalities failing to comply with its rules and regulations. The governing body of each municipality was required to appoint a local assistance board, which may include not more than one member of such governing body. It was made the duty of this board to appoint the local director. (Formerly, appointment of the board was optional with the local governing body, which had authority to constitute itself such a board, and its appointment of a director was optional also.) [Ch. 123.]

A temporary State commission was created to examine and report on the economic, cultural, health, and living conditions of the Negro urban population of the State and the measures deemed necessary for the improvement of such conditions. The commission was directed to report to the legislature with recommendations on or before March 1, 1939. [Ch. 393.]

Deputy directors of welfare in counties of the second class (Bergen, Camden, Middlesex, Passaic, and Union) were placed in the exempt class of the civil service. [Ch. 382.]

Amendments to the adoption law made mandatory an investigation of the child's social history by the State department of institutions and agencies or by an incorporated children's agency and gave the department certain other responsibilities (see p. 12). [Ch. 355.]

New York.

Amendments of the constitution, proposed by the constitutional convention held in April and ratified at the November election, include a declaration that the aid, care, and support of the needy and the protection and promotion of health are public concerns. The legislature was authorized to determine the unit of government to administer activities for such purposes and the method of administration, also to provide for State and local mental-hygiene activities and for a system of correction, probation, and parole. (Amend-

ment No. 1 of Art XVII, relating to social welfare.) The range of welfare purposes for which State appropriations may be used was broadened. [Amendment No. 8.]

The time at which the State board of social welfare is to present its recommendations for the codification of the public-welfare laws, in pursuance of its study authorized in 1936, was extended from February 1938 to February 1939. [Ch. 1.]

The State department of social welfare was authorized to grant scholarships and fellowships for social-work training to State and local public-welfare employees from funds received or appropriated for the purpose. [Ch. 314.]

The State department of social welfare was authorized to allocate funds to the State department of civil service to be used for expenses of that department in connection with civil-service examinations for local home-relief positions. [Ch. 188.]

The date after which appointments of State and local home-relief staffs must be made from civil-service eligible lists was postponed from July 1, 1938, to December 31, 1938. [Ch. 482.]

Local appropriating bodies were authorized, subject to approval by the State department of social welfare, to continue payment of salaries to local public-welfare employees on leave for social-work training. It was provided also that the salaries of employees of the State social-welfare department may be similarly continued for such purpose. [Ch. 481.]

The minimum share of local home relief which counties, cities, and towns are required to raise from current taxation was reduced to 20 percent (formerly 40 percent) during the year 1939 and to 40 percent (formerly 60 percent) for the year 1940. [Ch. 305.]

The Dutchess County commissioner of public welfare and the commissioners and officers of other welfare districts in the county were authorized to take over and continue the work of the county board of child welfare which was abolished. [Ch. 45.]

A county board of social welfare was created for Erie County and to it were transferred the powers and duties of the county board of child welfare, the county commissioner of public welfare, and certain duties of the commissioner of charities and corrections. The child-welfare board and the office of commissioner of public welfare were abolished. The common council of Buffalo was authorized to transfer certain relief responsibilities of the city to the new county board. [Ch. 28.]

The department of charities in Oneida County was abolished. The office of county commissioner of public welfare was placed under the general law relating to appointment or election of county public-welfare officials. [Ch. 537.]

The legislature made permanent the authorization for corporations to make contributions for social and economic betterment. (For a number of years this authorization has appeared in a law effective for a 1-year period only.) [Ch. 544.]

The requirement for the licensing of dispensaries by the State department of social welfare was amended to exclude dispensaries maintained by the State department of health, mental hygiene, or education. [Ch. 123.]

Ohio.

A new poor-relief law was enacted to be in effect during the years 1938 and 1939 under the administration of a State relief director vested with responsibility for supervision of local relief authorities and for cooperation with all Federal, State, and local governments and with private organizations engaging in administration of activities for relief, care, or assistance to dependents or for giving them financial support. Included in the act are provisions for appointment of State and local staffs and for establishment of a uniform system of records. [3d extra sess., p. 877.]

Pennsylvania.

An amendment to the Public Assistance Law of 1937 gave the department of public assistance authority to provide medical care for indigent persons from State or Federal funds. [1st extra sess., No. 10.]

The boards of trustees of certain institutions acquired by the State for use as State mental hospitals were made departmental administrative boards of the department of welfare (see p. 24). [1st extra sess., No. 37.]

Puerto Rico.

A commission was created composed of the commissioner of health or the official in his department designated by him, the attorney general or the official in his department designated by him, and five other persons to study the problem of mendicity in Puerto Rico in its social, medical, and psychological aspects and to study suitable legislation to prohibit and penalize mendicity in the Island. A report was to be made to the Governor on or before December 1, 1938, and to the legislature at its next regular session (1939). [No. 173.]

The insular board of charities was directed to prepare plans for the operation and functioning of 64 rural medical centers now operating under administration of the Puerto Rico Reconstruction Administration. The commissioner of health was authorized to carry out such plans and to administer the centers. [No. 142.]

The insular child-welfare board was authorized to appoint a child-welfare committee in the seat of each senatorial district and in such other cities and towns as it deems proper. Each committee is to be composed of not less than five members appointed for a term of 1 year. [No. 160.]

The insular child-welfare board was given supervision of the establishment of private institutions for children (see p. 10). [No. 48.]

Rhode Island.

The State department of public welfare was designated the agency to cooperate with the Federal Government in establishing, extending, and strengthening child-welfare services. [Ch. 2566.]

Virginia.

The Public Assistance Act of 1938 continued the existing State and local boards of public welfare and established a system of public assistance, including a revised system of aid to dependent children.

Among the new powers and duties stated for the boards of public welfare was administration of the new assistance provisions in cooperation with the Federal Government under the Social Security Act. The State board was directed to establish standards for State and local personnel employed in the administration of the act. [Ch. 379.]

The office of overseer of the poor was abolished throughout the State. [Ch. 152.]

The State advisory legislative council was directed to make a thorough study as to the advisability of providing a merit system or civil service for all persons to be employed by the commonwealth. The council is to submit its report to the Governor at least 60 days before the next regular session of the legislature (1940). [Sess. Laws, p. 1042.]

DEPENDENT AND NEGLECTED CHILDREN

Measures relating to public financial aid to dependent children in their own homes or measures relating to care and services for dependent children away from their own homes were enacted in Puerto Rico and in eight States—Georgia, Kentucky, Louisiana, Mississippi, New Jersey, New York, Rhode Island, and Virginia.

Georgia.

Counties were given authority to provide, by tax not exceeding 3 mills per year, for payment of aid to dependent children (see p. 2). [Extra sess., 1937–38, p. 292.]

Kentucky.

A proposed constitutional amendment making it the duty of the legislature to provide by law for assistance to dependent children was passed by the legislature and is to be submitted to popular vote at the election in 1939 (see p. 2). [Ch. 20.]

Louisiana.

The State department of public welfare was given additional responsibilities with respect to children by the Welfare Organization Act of 1938 (see p. 3). [Ch. 344.]

The Public Assistance Act of 1938 (see p. 4) simplified the procedure for granting aid to dependent children. [Act 359.]

The definition of an abandoned child in the law providing for the disposition, care, and custody of such children was amended to include a child left in an asylum without support for 1 year (formerly 3 years). [Act 427.]

Mississippi.

The State and county departments of public welfare were given duties relating to the protection and care of dependent and neglected children (see p. 4). [Ch. 172.]

Municipalities of 2,000 or more inhabitants were empowered to establish nursery schools provided the total expense to any municipality for purchase, construction, lease, and equipment does not exceed $5,000. [Ch. 242.]

New Jersey.

The law relating to home life for dependent children was amended to make residence requirements uniform throughout the State, to clarify provisions for eligibility for aid, and to extend the act to some children previously not covered. [Chs. 161, 400.]

New York.

A number of minor corrections were made in the aid-to-dependent-children law of 1937. [Ch. 478.]

Puerto Rico.

The insular homes for boys and for girls (formerly called charity schools) were authorized to admit children between 5 and 12 years of age (formerly between 7 and 12), and the types of cases eligible for care were more clearly defined. [No. 224.]

It was provided that hereafter private institutions for children may be established only after authorization by the insular child-welfare board. Approval must be given of the quarters as well as of the organization or program of services to be offered. Proposed changes in quarters, organization, or program must likewise be approved. [No. 48.]

A system of foster homes for needy, neglected, or abandoned children was authorized. The department of health was directed to maintain and supervise all such homes and to issue licenses to those meeting specified conditions. It was provided that before placing a child in such a home the department shall investigate the child's social history. [No. 238.]

Rhode Island.

An enabling act was passed designating the State department of public welfare as the agency to cooperate with the Federal Government in establishing, extending, and strengthening child-welfare services and authorizing the receipt and expenditure of Federal funds for such services. [Ch. 2566.]

Virginia.

The Public Assistance Act of 1938 (see p. 8) revised the existing law relating to aid to dependent children. [Ch. 379.]

ADOPTION—CHILDREN BORN OUT OF WEDLOCK

Laws relating to adoption were passed in five States—Louisiana, Massachusetts, Mississippi, New Jersey, and New York. Laws relating to the care or protection of children born out of wedlock were passed in the first two of these States and in one additional State—Ohio. In four of the States—Louisiana, Massachusetts, Mississippi, and New Jersey—the new act includes provisions for change of birth records.

Louisiana.

A maternity hospital was established in Baton Rouge for prenatal care of unmarried mothers and for aftercare and treatment of these mothers and their children. The State hospital board was directed to maintain and operate the hospital with State funds to be made available, and was given authority, in cooperation with the State department of public welfare, to provide for finding homes for and the adoption of such children, with consent of the mothers. [Act 170.]

A new law revised the procedure for adoption of children under 17 years of age. It authorizes adoption by a single person over 21 years of age or by a married couple. It provides for petition to the juvenile court, an interlocutory decree for at least 6 months, and a year's residence in the adoptive home, with visits to such home during this period by agents of the State department of public welfare. Privacy of hearing, notice of decree to registrar of vital statistics, and change of birth records are provided for. The department is to receive a copy of the original petition and also of the application for a final decree and is to investigate and report to the court at both hearings. [Act 428.]

A constitutional amendment ratified at the November election gave the juvenile court of Orleans Parish jurisdiction over adoption of children under 17 years of age. [Act 390.]

The law providing for change of name through court action was amended by giving jurisdiction to the district court and eliminating the requirement that the judgment authorizing the change be published in a parish newspaper. [Act 420.]

Massachusetts.

It was specified that city and town clerks shall receive certified copies of judicial decrees for the adoption of persons of legitimate birth. [Ch. 97.]

A method was established for amending and supplementing the birth records of persons of illegitimate birth who have acquired the status of legitimacy but whose parents died without executing the affidavits necessary to correct the record. [Ch. 63.]

Mississippi.

It was provided that after certified copies of adoption decrees have been filed with the bureau of vital statistics all copies of birth certificates of the children adopted shall show the names of the foster or adoptive parents in place of the names of the natural parents and shall show only the child's name as changed by the proceedings, if it was changed. [Ch. 269.]

Amendments of the adoption law permit the filing of a petition without averring consent of parents or guardians but provide for notice to them. If either parent appears and makes objection before the decree is issued, the adoption is prohibited unless such parent is shown to have abandoned or deserted the child, or is mentally or morally unfit. [Ch. 268.]

New Jersey.

Corrections of birth, stillbirth, and marriage certificates by anyone having personal knowledge of the matter were authorized. [Ch. 174.]

Changes in the adoption law clarified certain provisions and added further safeguards. An investigation of the child's social history by an incorporated children's agency or by the State department of institutions and agencies was made mandatory, and a minimum residence of 1 year in the adoptive home is to be required, except that under certain conditions the court may reduce this period to 6 months. A recognized private child-caring agency or the State department of institutions and agencies may be appointed as next friend when neither parent nor guardian is available to give consent. Reports of the investigation are not to be open to public inspection. Provisions were also included for change of birth records upon application of the adopting parents. The act was made effective as of January 1, 1939. [Ch. 355.]

New York.

The legislature revised and clarified the adoption law. Consent was required of a child over 14 years of age (formerly over 12); 6 months' residence in the adoptive home was declared mandatory for children under 18 years of age (formerly under 16); and application for abrogation of adoption (formerly made to any judge or surrogate having authority to make orders of adoption) was required to be made in the court which issued the order of adoption. [Ch. 606.]

The Onondaga County children's court was given increased jurisdiction in adoption cases (see p. 17). [Ch. 52.]

Ohio.

The law requiring a man adjudged the father of an illegitimate child to pay for the maintenance of the mother, necessary expenses caused by the pregnancy, and the cost of prosecution was extended to cases where the child was not born alive or died before the court proceedings; also it was extended to require reasonable contribution toward support of the child under 18 years of age, or until the death of the child and toward the funeral expenses, if the child is dead at the time of the proceedings. [2d extra sess., p. 808.]

MARRIAGE

Four States—Kentucky, New Jersey, New York, and Rhode Island—required premarital health certificates of freedom from venereal disease, and Puerto Rico amended its law on the subject. In Maryland and Oregon the electors approved measures affecting the issuance of marriage licenses, which had been passed by their respective legislatures in 1937.

Kentucky.

A physician's certificate stating that both applicants are free from any venereal disease, based on physical examination and laboratory tests made within 15 days before application for a marriage license, was made a prerequisite to the issuance of such a license. In certain circumstances persons found to be infected may be permitted to marry under specified conditions, including a provision for treatment. Licenses are to become invalid after 30 days. The act is to take effect March 1, 1940. [Ch. 120.]

Maryland.

The 1937 law [ch. 91] establishing a 48-hour waiting period between application for a marriage license and its issuance, against which a referendum petition had been filed, was approved at the November election.

New Jersey.

A physician's certificate stating that both applicants for a marriage license are free from syphilis, or, if infection is present, that the disease is not in a stage that will become communicable, was made a prerequisite to the issuance of such a license. The certificate is to be accompanied by the record of a laboratory test made not more than 30 days before issuance of the marriage license. The certificate is to be attached to the marriage license. Persons are prohibited from performing a marriage ceremony unless such certificate is so attached. [Ch. 126.]

New York.

It was required that marriages be performed within 60 days from the date of issuance of the license (formerly within 1 year). Application for the issuance of a marriage license must be accompanied by a physician's certificate stating that both parties are free from syphilis, or if there is infection, that the disease is not in a stage that may become communicable. The certificate must be supported by the record of a standard serological test made not more than 20 days before application for the license. Provision was made for exceptions under specified conditions. [Ch. 640.]

Oregon.

The electors in November approved the 1937 act [ch. 434] of the legislature requiring both applicants for a marriage license to present evidence of freedom from venereal disease, epilepsy, feeble-mindedness, insanity, drug addiction, or chronic alcoholism. (The former law required only that male applicants present a certificate of freedom from venereal disease.)

Puerto Rico.

The prohibition of the marriage of persons suffering from any contagious or transmissible disease was changed to apply only to persons suffering from syphilis or other venereal disease. The medical certificate which is prerequisite to a marriage license was declared valid for only 5 days from date of issuance. [No. 22.]

Rhode Island.

A physician's statement that both parties are free from tuberculosis in an infectious stage and from syphilis and gonorrhea in a stage in which they may become communicable was made a prerequisite to the issuance of a marriage license. Each certificate is to be accompanied by the record of a laboratory test made not more than 40 days before the issuance of the license. Delay of examination until a time feasible after the marriage was provided for under certain conditions. Provisions were included requiring such physical and laboratory examinations of residents of Rhode Island returning to reside in the State within 6 months after having contracted a marriage outside the State. The department was directed to provide for free examination of persons unable to afford the services of a private licensed physician. [Ch. 2580.]

OFFENSES AGAINST MINORS

Louisiana.

Kidnapping was made a capital offense. (Formerly it was punishable by imprisonment for 20 years.) [Act 412.]

Massachusetts.

The legislature repealed the requirement that the reformatory or prison to which a person is sentenced for nonsupport or desertion pay to the destitute wife and children of the prisoner a specified sum for each day of hard labor on his part. [Ch. 219.]

Virginia.

It was made a misdemeanor for anyone to purchase alcoholic beverages for anyone under 21 years of age, knowing or having reason to believe the person to be under that age. [Ch. 189.]

DELINQUENCY AND JUVENILE COURTS

Legislation affecting juvenile offenders or juvenile and family courts was passed by the Congress of the United States and by seven States.

Federal.

The Federal Juvenile Delinquency Act provided for treatment based to some extent on juvenile-court principles for persons 17 years of age or under who commit Federal offenses not punishable by life imprisonment or death. The Attorney General was given authority, with the consent of the juvenile, to direct the institution of proceedings on a charge of juvenile delinquency (rather than for a specified offense), in which event proceedings are to be initiated by the filing of an information, instead of by grand-jury indictment. Hearings are to be without jury and may be in chambers and at any time. The Attorney General is authorized to provide for the detention of juveniles in a juvenile home or other suitable place. A juvenile "found guilty" of juvenile delinquency may be placed on probation or committed to the custody of the Attorney General, who may designate a public or private agency for his custody, care, subsistence, education, and training. Safeguards and restrictions with reference to jail detention are also provided, and provision is made for parole. [52 Stat. 764.]

District of Columbia.

A new juvenile-court act was passed by the Congress for the District of Columbia. The new law, which was drafted in accordance with the provisions of the standard juvenile-court act, repealed the existing law which was based on criminal procedure. The court is given original and exclusive jurisdiction over children under 18 years of age (formerly under 17) and of persons under 21 charged with having violated a law prior to having reached 18, with continuing jurisdiction until such children have reached 21 years of age, and of paternity cases and cases of contributing to a condition that would bring a child within the provisions of the act; and concurrent jurisdiction with the District Court of the United States for the District of Columbia over abandonment and nonsupport cases. Hearings may be informal and are to be without a jury unless demanded by the child, his parents or guardian, or the court. The act provides for a director of social work and establishes a probation department for the court. Appeal may be had to the United States Court of Appeals for the District of Columbia. [52 Stat. 596.]

Louisiana.

An amendment to the constitution giving city courts concurrent jurisdiction with district courts over juvenile cases and granting additional salary for such services, to be paid by the State, was passed by the legislature and was approved at the election in November. [Act 198.]

An amendment to the constitution vesting the juvenile court of Orleans Parish with jurisdiction over cases for adoption of children under 17 years of age was passed by the legislature and was approved at the election in November. [Act 390.]

The law requiring probation officers and certain institutions to transmit to the bureau of criminal identification and investigation (in the department of State police) specified personal information and the photographs and fingerprints of persons received in the institution or placed on probation, was amended by striking out its application to juvenile delinquents. [No. 145.]

The legislature revised and clarified the law which provides for the establishment of prison districts and authorizes the governing authorities of such districts to operate prison farms and to maintain a special department for Negro juveniles at any such farm. Under the new law the juvenile judge of a judicial district in which a prison farm with such a special department is located may commit to it any Negro juvenile from any parish in his judicial district, to be held until discharged by the court or until attaining the age of 21 years, or until a State reformatory for juveniles is in operation. The new law repeats the provision of the former law that the authorities at such a farm shall manage and control such children under the same rules and regulations as are in force at the Louisiana Training Institute. [Act. 127.]

Massachusetts.

Amendments of the law relating to use of records and other information concerning cases of waywardness or delinquency provided additional safeguards for their privacy. [Ch. 174.]

New Jersey.

The commission to investigate and determine the causes of juvenile delinquency, created in 1936 for a 2-year period, was continued until June 1939. [Ch. 326.]

New York.

The jurisdiction of the Onondaga County children's court was enlarged to include adoption of minors and support of minors (both formerly limited to children) and certain additional powers granted to county and inferior criminal courts. [Ch. 52.]

Ohio.

Provision was made that when the juvenile court has committed a child to the State reformatory (authorized in case of a boy over 16 who commits an act that would be a felony if committed by an adult) the jurisdiction of the juvenile court shall cease and the reformatory shall have sole control of the child committed (see p. 21). [2d extra sess., p. 806.]

South Carolina.

Minor changes in the law creating a domestic-relations court in all counties containing a city of over 60,000 (Charleston County) increased the maximum salary authorized for clerks and probation officers of these courts and made their term of office (formerly 2 years) dependent on the pleasure of the judge. [No. 678.]

Virginia.

A clarifying amendment to the law providing for the appointment of a special justice to be judge of the juvenile and domestic-relations court in cities of less than 25,000 inhabitants, and in counties, specifically excepted cities having a charter provision that the civil and police justice shall serve ex officio as judge of the juvenile and domestic-relations court. [Ch. 423.]

An amendment to the charter of the city of Alexandria made the civil and police justice the judge of the juvenile and domestic-relations court of that city ex officio. [Ch. 256.]

PROBATION AND PAROLE

Probation or parole measures affecting minors were enacted in four States—Kentucky, Massachusetts, Mississippi, and Virginia. In addition, Louisiana and Virginia passed the uniform act for out-of-State parolee supervision, and Mississippi and Virginia passed the uniform act to secure the attendance of witnesses from without the State in criminal proceedings.

Kentucky.

A revision of the law relating to probation officers in counties containing a city of the first class (Jefferson County containing the city of Louisville) increased the maximum and minimum salary of such positions and created a merit board of the juvenile court for each such county with powers over examination, establishment of standards, promotions, and dismissals of probation officers and all other juvenile-court employees. [1st extra sess., ch. 37.] This statute was declared unconstitutional October 21, 1938. [*Beauchamp* v. *Silk*, 120 S. W. (2d) 765.]

Louisiana.

The legislature passed the uniform act for out-of-State parolee supervision. [Act 168.]

Massachusetts.

An amendment to the law relating to proceedings for separate support and providing for court orders in such cases, as to the care, custody, and maintenance of the children, made it the duty of State police, local police, or probation officers to investigate and report in writing at the request of the court. [Ch. 136.]

Mississippi.

A law applicable to Harrison County (containing the cities of Biloxi and Gulfport) authorized the appointment of an assistant juvenile probation officer. [Ch. 307.]

The legislature passed the uniform act to secure the attendance of witnesses from without the State in criminal proceedings. [Ch. 261.]

Virginia.

The legislature passed the uniform act for out-of-State parolee. supervision (ch. 444); also the uniform act to secure the attendance of witnesses from without the State in criminal proceedings. [Ch. 397.]

The State advisory legislative council was directed to make an investigation relating to the maintenance and operation of jails,

prison farms, and local lock-ups in the State and to consider changes to the end that jail commitments may be lessened and the entire criminal situation in the State improved. The council was directed to investigate the use of probation in Virginia and the use of both probation and parole outside the State, also to consider the advisability of establishing a single State agency to administer and supervise all prison activities of the State. The commission is to report and submit necessary bills at least 60 days prior to the next regular session of the legislature (January 1940). [Sess. Laws, p. 1048.]

INSTITUTIONS FOR DELINQUENT MINORS

Four States and Puerto Rico passed laws relating to institutions for delinquent minors.

Arizona.

A board of directors of State institutions for juveniles was created and was vested with control of State institutions for juvenile offenders and the administration of laws for the detention, education, and treatment of juvenile offenders. The board was authorized to arrange with private institutions in the State for the detention, education, employment, and reformation of girl juvenile offenders. It is to be notified of the commitment of any such girl and is to assign her to an appropriate institution with which an arrangement has been made. [4th extra sess., ch. 10.]

Louisiana.

Police juries throughout the State were authorized to establish parish industrial schools for colored male delinquents 17 years of age and under. The police jury of each parish establishing a school is to appoint a board of three commissioners to manage the affairs of such school and to elect its superintendent. [Act 226.]

Massachusetts.

A special commission consisting of the commissioner of public welfare, the commissioner of correction, the county personnel board, and three persons (including one justice of a district court and one superintendent of a county training school) appointed by the Governor with advice and consent of the council was created to make an investigation regarding commitments of juvenile offenders to county training schools; also to ascertain whether full use is being made of the facilities provided by such schools and, if not, for what other purposes they may be conveniently and advantageously used. The commission was directed to file its report together with recommendations and drafts of necessary legislation with the clerk of the house of representatives on or before December 7, 1938. [Resolves, ch. 36.]

Certificates of approval from the superintendent of the State farm and from the medical director of the hospital at such farm were required to accompany petitions for parole of inmates of the department for defective delinquents of the farm. [Ch. 254.]

Ohio.

An addition to the law providing for commitment to the State reformatory of certain male criminals between 16 and 30 years of age, directed the superintendent of the reformatory to receive also

boys over 16 years of age committed by the juvenile courts, and to provide for their education. After commitment, which extends until the boy reaches 21 years of age, all juvenile-court jurisdiction over the child is to cease and the reformatory is to have sole control. Provisions included in the new law permit release before the boy reaches 21 years of age, and also conditional release under supervision of a parole officer. [2d extra sess., p. 806.]

Puerto Rico.

The name of the Puerto Rico Reform School was changed to the Insular Industrial School for Boys. [No. 13.]

RECREATION

Georgia.

County authorities of counties having between 100,000 and 200,000 inhabitants (Fulton and Chatham) and the governing authorities of cities and towns within such counties were empowered to pass ordinances governing dance halls, including designation of hours during which such places may be open, and to establish rules and regulations for the issuance and revocation of permits. [Extra sess., 1937–38, p. 353.]

Massachusetts.

Cities and towns were given the right to close streets for definite periods of time for the purpose of promoting recreation, play, or sport. [Ch. 220.]

South Carolina.

The 1937 act providing for licensing of tourist camps and road houses in certain counties was amended to include Horry County and to apply in Horry and Marion Counties to dance halls and places of amusement as well. [No. 920.]

Virginia.

An amendment of the law for the regulation of public dance halls in certain counties broadened the definition of public dance hall and extended the act to additional counties. [Ch. 111.]

MENTAL DEFECTIVES

Laws relating to the care and treatment of mentally defective persons were passed in four State and in Puerto Rico.

Kentucky.

The functions and organization of the division of hospitals and mental hygiene (created in 1936 as the division of mental hygiene) in the State department of welfare were stated in detail. Among its responsibilities are the supervision of medical and psychiatric service in all penal and correctional institutions and in institutions receiving State aid which care for dependent children who are under supervision of the department of welfare, also administration of all State and State-aided institutions for mentally diseased and feeble-minded persons. The division was made responsible, in cooperation with the State department of health, for development of a State-wide mental-hygiene program. The duties, qualifications, and salaries of personnel were specified. [2d extra sess., ch. 1.]

Massachusetts.

A special unpaid commission established in 1937 was revived and continued for further investigation and study of the whole matter of the mentally diseased in their relation to the commonwealth, including all phases of the work of the department of mental diseases (now department of mental health; see below). The commission was directed to file its report together with its recommendations and drafts of necessary legislation with the clerk of the house of representatives by December 7, 1938. [Resolves, ch. 1.]

The name of the department of mental diseases was changed to the department of mental health. Some changes were made in its organization and certain administrative powers heretofore vested in the trustees of institutions under control of the department were transferred to the superintendents of those institutions. [Ch. 486.]

Certificates of approval from the superintendent of the State farm and from the medical director of the Bridgewater State Hospital (which is a part of the farm) were required to accompany petitions to the State board of parole for the parole of inmates of the department for defective delinquents at the State farm. [Ch. 254.]

Pennsylvania.

The responsibility for care and maintenance of indigent persons who are mentally ill, mentally defective, or epileptic, was transferred from county, city, or institution districts to the State. Provisions were included for an investigation of institutions operated by such districts and for their gradual transfer to the State, the transfer to be completed by May 31, 1939. [1st extra sess., Acts 21, 25, 26, 37.]

Puerto Rico.

A permanent annual appropriation of $10,000 was made for sending anually 10 or more mentally retarded children to clinics or schools in the United States for study and treatment. Selection of the children for these scholarships is to be made by the insular scholarship board. [No. 251.]

Virginia.

The colony for feeble-minded colored persons, heretofore a department of the central State hospital, was made a separate State institution to be known as the Petersburg State Colony. It was placed under the supervision, management, and control of the State hospital board as are the other State hospitals. Indigent colored children who will be most likely to receive benefit from colony care and training are, as far as practicable, to be received and admitted first in the colony. (Formerly such first admissions were to include women of child-bearing age (12 to 45 years), and children over 8 years of age.) [Ch. 131.]

PHYSICALLY HANDICAPPED CHILDREN

Laws making provision for the benefit of physically handicapped children were enacted in five States.

Louisiana.

The State hospital board and the State board of health were directed to establish and to maintain under their joint control and supervision a hospital for crippled children and for indigent and destitute people at Hot Wells. [Act 220.]

Massachusetts.

Local school authorities were authorized to provide instruction in lip reading in addition to regular school instruction for children under 18 years of age with defective hearing who are attending a public or private school. [Ch. 313.]

New Jersey.

The commission for the care and treatment of crippled children was designated the State crippled children's commission. [Ch. 150.]

The law providing for State aid for the education of crippled children who cannot be provided for in regular classrooms was broadened to cover children otherwise physically handicapped. [Ch. 14.]

New York.

The temporary commission created in 1937 to consider problems of deaf children was continued until March 15, 1939, and its scope enlarged to cover adults. It is to study existing facilities for discovery and early diagnosis of cases of adults as well as children in which deafness may be prevented or ameliorated. The report of the commission is to include recommendations for the improvement of such facilities for treatment, education, and training of the hard of hearing and the deaf, and for bettering the condition of hearing of handicapped persons generally. [Ch. 554.]

Ohio.

A commission on rehabilitation of the handicapped was created to carry forward the work begun under a joint resolution of the 1937 legislature (under H. J. Res. 50). The new law (like the former one) provided for a study of the possibilities for rehabilitation of visually handicapped and crippled persons of the State and directed the commission to recommend a program whereby such persons may be made self-supporting. [2d extra sess., p. 759.]

The legislature established January 29 as Ohio crippled children's day, beginning in the year 1941. [2d extra sess., p. 962.]

CHILD HEALTH AND PUBLIC HEALTH

Laws relating to the protection of child health and the public health were enacted in 12 States and in Puerto Rico. (For new laws in regard to health certificates as a premarital requirement see p. 13.)

Georgia.

A constitutional amendment proposed by the legislature and approved at the election in November permits the legislature to delegate to counties the right to levy a tax for the purpose of furnishing medical or other care and hospitalization for the indigent sick. [Extra sess., 1937–38, p. 39.]

Kansas.

A new measure authorized the establishment and operation of county hospitals in certain counties of 6,500 to 7,500 population and provided for the issuance of bonds for the purpose. [Extra sess., ch. 44.]

Kentucky.

The State department of health was authorized to accept grants to the State, under the Federal Social Security Act, for maternal and child welfare, including maternal and child-health services and services for crippled children, and also grants for public-health work. [Ch. 200.]

Cities of the second class (Ashland, Covington, Lexington, Newport, and Paducah) were authorized to establish and maintain municipal hospitals and to issue bonds for such purpose. [Ch. 92.]

The State department of health and the State department of welfare were given joint responsibility for development of the State mental-hygiene program. [2d extra sess., ch. 1.]

Louisiana.

It was provided that the members of the State board of public welfare should constitute the State hospital board. (Formerly the hospital board was composed of the Governor and four persons appointed by him.) [Act 58.]

The State hospital board and the State board of health were given certain responsibilities with respect to a new hospital for crippled children and for the destitute and indigent (see p. 26). [Act 220.]

The State hospital board was authorized to maintain and operate a maternity hospital to be established in Baton Rouge and to cooperate with the State department of public welfare in placement of the children (see p. 11). [Act 170.]

Massachusetts.

A special unpaid commission was created to make an investigation relating to State supervision and regulation of agencies engaged in

securing employment for nurses. The commission was directed to file its report, together with recommendations and any suggested legislation, with the clerk of the house of representatives by December 7, 1938. [Resolves, ch. 66.]

An amendment to the provision that a pregnant female prisoner shall be moved to a hospital when the birth is about to occur prohibited such removal to the State infirmary or to any penal or reformatory institution. The expense of removal and all hospital expenses incidental to the birth were made State charges. [Ch. 456.]

A law clarifying and strengthening various provisions for the control of diseases dangerous to the public health included provisions for sending home from school a child showing signs of ill health or of being infected with any disease defined by the department of health as dangerous to the public health and provided for exclusion of children from school while infected with certain diseases or exposed thereto. [Ch. 265.]

The name of the department of mental diseases was changed to the department of mental health (see p. 24). [Ch. 486.]

Mississippi.

The State department of education was directed to employ a supervisor to cooperate with various educational groups and to supervise the teaching in the public schools on the subject of effects of alcohol, narcotics, and other habit-forming drugs. [Ch. 166.]

County boards of supervisors were authorized to levy annually a special tax not exceeding 1 mill on all taxable property to provide funds for treating the indigent sick and for promoting the public health of the county. [Ch. 315.]

Counties were given the right, individually or in combinations of two or more, to establish and operate a hospital for tuberculous patients and to levy a tax therefor. [Ch. 299.]

Counties adjoining another State were authorized under certain conditions to hospitalize charity patients in that State. [Ch. 327.]

New Jersey.

Physicians and other persons attending women during pregnancy or at childbirth were required to have a standard serological test for syphilis made for each such woman attended. Persons reporting births are to state on the certificate whether or not the test was made and its approximate date. An appropriation was made to cover the necessary expenses of carrying out these provisions. [Ch. 41.]

The State department of health was authorized to purchase antipneumococcic serum for free distribution to physicians for pneumonia patients unable to pay for the serum. An appropriation was made for this purpose. [Chs. 24, 430.]

Provisions were enacted to permit boards of health of any two or more municipalities (defined as townships and incorporated municipalities) to form a regional health commission to furnish public-health services. Each commission may receive funds from any source and is to arrange annually with each participating board of health what kind and amount of public-health services, approved by the State director of health, it will furnish. It may employ a

health officer and such inspectors, nurses, and other employees as are necessary. Every commission is to report its activities annually to each participating board of health and to the State department of health. [Ch. 67.]

New York.

An amendment of the constitution (see p. 5) states that the protection and promotion of the health of the inhabitants of the State are public concerns and provision therefor shall be made by the State and by such of its subdivisions as the legislature shall determine.

An act which created a temporary State commission to formulate a long-range State health program and to make a report to the legislature on or before February 15, 1939, declared as the policy of the State that the health of the inhabitants of the State is a matter of State concern; that adequate medical care is an essential of public health; that the present efforts of the medical profession in providing medical care should be supplemented by the State and local governments; that the problem of economic need and the problem of providing adequate medical care are not identical and may require different approaches for their ultimate solution. [Ch. 682.]

Physicians and other persons attending pregnant women were required to have a standard serological test for syphilis made for each such woman attended. Persons reporting births are to include on the certificate a statement that the test was made or the reason for omission, but the result of the test must not be given. [Ch. 133.]

A revision of the law on registration of nurses and trained attendants was passed, to go into effect July 1, 1940. The educational requirements for certification as registered nurse were raised. The classification of "trained attendant" was abolished. The classification of "practical nurse" was established and the requirements for obtaining a license to practice in that capacity were stated. [Ch. 472.]

The temporary State commission created in 1937 to study and make a survey of the prevalence and treatment of cancer cases within the State was continued from April 1938 to February 1939, and the time for submission of its report postponed until the later date. [Ch. 566.]

The requirement for the licensing of dispensaries by the State department of social welfare was amended to exclude dispensaries maintained by the State department of health, mental hygiene, or education. [Ch. 123.]

The board of supervisors of Jefferson County was authorized to establish and operate a hospital for the treatment and control of communicable diseases and to levy a tax therefor on the property in the county outside the city of Watertown. [Ch. 33.]

Local boards of health were authorized, with approval of the State commissioner of health, to appoint a single health officer to serve a town and a village, or two or more towns or villages. [Ch. 660.]

Pennsylvania.

The Public Assistance Law of 1937 was amended by redefining "assistance" to include medical care of indigent persons. [1st extra sess., No. 10.]

Puerto Rico.

The commissioner of health was designated to be a member of the newly created commission to study mendicity (see p. 7). [No. 173.]

The 64 rural medical centers in operation under the Puerto Rico Reconstruction Administration were placed under the administration of the commissioner of health, under plans to be prepared by the insular board of charities. [No. 142.]

The department of health was given certain responsibility for the maintenance and supervision of foster homes for needy, neglected, or abandoned children (see p. 10). [No. 238.]

A cancer institute was created under the insular department of health. [No. 203.]

The proceeds of an annual license tax to be levied under the supervision of the insular department of health on specified businesses and professions are to be covered into a newly created fund for the aid of indigent tuberculosis patients and maintenance of milk stations of the department of health. [No. 70.]

The sum of $10,000 was appropriated for maintenance of the milk stations under the direction of the insular department of health. It was specified that the commissioner of health shall use this sum exclusively to purchase milk for indigent mothers and children visiting such stations. [No. 9.]

A tax on molasses was established, the proceeds to be covered into a newly created fund to combat malaria and uncinariasis, and to assist the insolvent mothers and abandoned children who constitute a social problem in this island. The fund is to be expended by the commissioner of health with the approval of the economy commission of the legislature. [No. 267.]

Rhode Island.

It was made the duty of every physician attending a pregnant woman to have a standard laboratory test for syphilis performed within 30 days after the first professional visit. Violations of this act were made misdemeanors for which physicians are subject to a fine. [Ch. 2606.]

South Carolina.

The board of regents of the State hospital was empowered to establish a training school for Negro nurses at the Negro department of this hospital and to promulgate rules and regulations for such school. [No. 796.]

Virginia.

The power of local boards of health to provide for compulsory vaccination was restricted to instances when in their opinion it is necessary to prevent an epidemic. They were authorized to provide for the administering of toxoid under similar conditions. [Ch. 340.]

Safety instruction was made compulsory in the public schools. [Ch. 236.]

CHILD LABOR AND COMPULSORY SCHOOL ATTENDANCE

Although no major State child-labor legislation was enacted during this year, some important legislation relating to legal standards affecting the employment of minors was passed. In addition, this year is significant as marking the passage by the Congress of the United States of the Federal Fair Labor Standards Act setting a minimum hourly rate for wages and a standard maximum workweek for persons of all ages employed in interstate commerce or the production of goods for such commerce, and establishing child-labor standards which affect employers producing goods for shipment across State lines. These provisions will serve as a guidepost for minimum State child-labor standards.

STATE LEGISLATION

EMPLOYMENT CERTIFICATES—STREET TRADES

New York.

Section 629 of the education law relating to issuance of certificates was amended to authorize the issuance of an employment certificate or vacation work permit to a child who has been exempted from school attendance because of a mental condition or who has been recommended by the State child-guidance clinic or other approved examiners for placement in an institution for retarded children, only if the work available and the supervision under which it will be performed are such that the job is suitable and safe for the minor to undertake. [Ch. 165.]

An amendment to section 638 of the education law provides that the street-trades law, which formerly applied only to cities having a population of 20,000 or more, may be extended to other cities and to union free school districts having a population of 4,500 or more and employing a superintendent of schools, provided the board of education of such city or district so determines. [Ch. 282.]

MAXIMUM HOURS—NIGHT WORK

Although legislation relating specifically to hours of work of minors was passed in only two States—New York and South Carolina—hours-of-labor standards for minor boys or girls were affected indirectly by legislation relating to hours of work of all employees, or of all females, passed in Louisiana, Massachusetts, New Jersey, New York, South Carolina, and Virginia.

Louisiana.

A maximum 8-hour day, 48-hour week, 6-day week was established for females employed in manufacturing, mechanical, mercantile, or other enumerated establishments. This standard replaces the former 9-hour day, 54-hour week standard for females; an 8-hour day and a 48-hour week were already in effect for minors under 16 years of age. Night work is prohibited for females under 18 years of age in the above-named establishments between 6 p. m. and 7 a. m. Females working in the establishments covered by the law, which employ three

or more females, must be given a ¾-hour rest period after 6 hours continuous work (6½ hours permitted if employment is to end for the day not later than 1:30 p. m.). The law requires posting of hours and keeping of records. The commissioner of labor is authorized to appoint three inspectors, two of whom shall be women, to carry out the provisions of the act.

The act does not apply to females engaged in agricultural or domestic service, or in preparing, processing, packing, or canning perishable goods, fish or sea foods, or employed in the fishing industry, or to those employed in municipalities having 6,000 inhabitants or less, or employed in cities or towns having under 2,500 population by any public utility under the jurisdiction of the Louisiana Public Service Commission furnishing continuous service, or to those employed by ferry companies furnishing continuous service and operating under a city permit in cities of over 400,000 (New Orleans only). [Ch. 363.]

Massachusetts.

Section 101 of chapter 149 of the General Laws of Massachusetts was amended to permit the commissioner of labor and industries, instead of the department of labor and industries with the approval of the Governor, to exempt individual factories or workshops, instead of only classes of factories or workshops, from the requirements relating to meal periods for women and children in factories and workshops if it is proved to his satisfaction that the continuous nature of the processes or special circumstances require such exemption and that it can be made without injury to the health of such workers. The new law omits the former provision for the issuance of a certificate of exemption in such cases following a public notice. [Ch. 335.]

The authority previously given to the commissioner of labor and industries was again extended to suspend until April 1, 1939, subject to restrictions and conditions prescribed by him, those provisions of section 59, chapter 149, General Laws, which prohibit employment of women in the manufacture of textile goods after 6 p. m. [Ch. 68.]

New Jersey.

Restaurants were removed from the coverage of the night-work law prohibiting the employment of females between 12 midnight and 7 a. m. in enumerated occupations. [Ch. 98.]

New York.

Sections 180, 180a, and 181 of the labor law were amended to bring beauty parlors within the coverage of the provisions regulating hours of work for minors under 16, for minor boys between 16 and 18 years of age, and for females over 16 years of age. [Ch. 651.]

South Carolina.

A law was passed putting into immediate effect a maximum 8-hour day, 40-hour week, and 5-day week for all workers in cotton, rayon, silk, or woolen textile establishments, embodied in Act 832 passed in 1936, which had been dependent for its effective date upon the enactment of similar legislation in North Carolina and Georgia. It

was provided, however, that the law should become inoperative on May 1, 1939, unless in the meantime Congress should enact similar legislation limiting weekly hours in these establishments to 40 per week. [Act 702.]

Another law was passed which established a maximum 12-hour day, 56-hour week, for all employees in mercantile establishments, public eating places, laundries, dry-cleaning establishments, bakeries, mines, quarries, and all other manufacturing establishments. A lunch period of at least one-half hour is required after 6 hours of continuous work. The coverage of these provisions is seriously curtailed by numerous exemptions. Minors under 18 are prohibited from any work between 10 p. m. and 6 a. m. [No. 943.]

This law also limits hours of work for all employees in finishing, dyeing, and bleaching plants to 48 a week, and limits hours of work for female workers in garment factories to 8 a day, 40 a week. This provision shall become inoperative May 1, 1939, unless prior to that time the Congress of the United States shall enact similar laws limiting hours of labor in garment factories to 40 per week and in finishing, dyeing, and bleaching plants to 48 hours per week or less. Female employees in executive positions are exempted. This act (No. 943) has been held to be unconstitutional by the Supreme Court of South Carolina. [*Gasque et al.* v. *Nates*, 2 S. E. (2d) 36.]

Virginia.

The maximum daily hours of employment for female employees in workshops, laundries, restaurants, mercantile or manufacturing establishments were reduced from 10 to 9 a day and a maximum 48-hour week was established. The law does not apply to buyers, managers, assistant managers, and certain office workers, nor to females in mercantile establishments in towns of less than 2,000 or in country districts. A maximum workday of 10 hours is permitted for 90 days a year in handling or re-drying leaf tobacco during market seasons, in shelling or cleaning peanuts, and in shucking and packing oysters. Women in florist shops and greenhouses may work 10 hours a day for 3 days preceding and on February 14, December 25, Easter Sunday, and Mother's Day. [Ch. 409.]

COMPULSORY SCHOOL ATTENDANCE

Compulsory-school-attendance standards were raised in only one State.

New York.

Section 621 (c) of the education law was amended to authorize boards of education in union free school districts having a population of 4,500 or more and employing a superintendent of schools to require unemployed minors between 16 and 17 years of age to attend full-time day instruction. Formerly this power was granted only to city boards of education. [Ch. 355.]

APPRENTICESHIP

Three States—Louisiana, Massachusetts, and Virginia—adopted laws authorizing systems of voluntary apprenticeship under State supervision.

Louisiana.

Provision was made for a system of voluntary apprenticeship, under approved agreements, to be administered by a director of apprenticeship under supervision of the commissioner of labor. An apprenticeship council was created to aid in formulating policies and standards and to issue regulations concerning apprenticeship. Local and State apprenticeship committees for a trade or group of trades to be appointed by the apprenticeship council are to determine labor standards for apprentices in the trade or group of trades for which appointed. The law defines an apprentice, establishes certain provisions that are to be included in approved agreements, and provides the procedure for settling apprentice disputes. [Act 364.]

Massachusetts.

A temporary commission on apprentice training within the department of labor and industries was established and authorized to establish machinery within industry to set up a program of voluntary apprenticeship under approved apprentice agreements, providing facilities for training in industry and trade with parallel instruction in related and supplementary education, and to promote through private industry employment opportunities for young people under conditions providing adequate training and reasonable earnings. It is authorized to establish standards for such apprentice agreements and to issue such advisory regulations as may be necessary to carry out the purposes of the act. It is directed to cooperate in matters relating to apprentice training with Federal and State apprenticeship agencies, trade committees, organizations of employers and employees, and school committees. The law defines an apprentice. [Ch. 448.]

Virginia.

A law was passed providing for a system of voluntary apprenticeship, to be administered by the commissioner of labor with the advice and guidance of an apprenticeship council, and for the regulation and supervision of apprentice agreements.

The act defines an apprentice, specifies items to be included in voluntary apprentice agreements, and establishes procedures for settling apprentice disputes. Provision is made for the appointment of State and local joint apprenticeship committees for a trade or group of trades composed of representatives of employers and employees in such trade to determine labor standards for apprentices in the trade. [Ch. 421.]

MINIMUM WAGES

Two States adopted laws providing for the establishment of minimum wages for female or minor workers or both, and one State strengthened its minimum-wage law.

Kentucky.

An act was passed providing for the establishment of minimum fair wages for women and minor workers, except in domestic service in the home of the employer or in farm work. [Ch. 105.]

Louisiana.

A law was passed providing for the establishment of minimum wages and conditions of labor in certain cities in the State for women and girl workers, except those engaged in labor on the farm or in domestic service. The act does not apply to municipalities having a population of 10,000 or less. The act creates a minimum-wage division in the department of labor to administer the act. [Act 362.]

Massachusetts.

The Massachusetts Minimum Wage Law providing for the establishment of fair wages for women and minors was amended to prohibit evasion of payment of such minimum wages through any arrangement, by contract or agreement, whereby a woman or minor who otherwise would be an employee does not have employee status. [Ch. 237.]

THE FEDERAL FAIR LABOR STANDARDS ACT

The Fair Labor Standards Act of 1938 was approved by the President on June 25, 1938. The act closes the channels of interstate and foreign commerce to employers failing to comply with certain minimum labor standards. In addition to standards relating to wages and hours for workers of all ages the act includes provisions relating to child labor. No producer, manufacturer, or dealer may ship or deliver for shipment in interstate or foreign commerce any goods produced in an establishment in or about which "oppressive child labor" has been employed within 30 days prior to the removal of the goods.

"Oppressive child labor" is defined as the employment of children under 16 years of age in any occupation (except for employment of children 14 or 15 years old at work other than manufacturing or mining which has been determined by the Chief of the Children's Bureau not to interfere with their schooling, health, or well-being) and the employment of children 16 or 17 years of age in any occupation found and declared by order of the Chief of the Children's Bureau to be particularly hazardous or detrimental to health or well-being.

The child-labor provisions do not apply to child actors in motion pictures or theatrical productions, to children under 16 years of age employed by their parents or persons standing in place of parents in nonmanufacturing and nonmining occupations, nor to children employed in agriculture while they are not legally required to attend school.

The administration of the child-labor provisions is placed in the Children's Bureau of the United States Department of Labor. The act further provides that the employment of a child will not be held to be oppressive child labor if his employer has an unexpired certificate of age, issued according to regulations of the Chief of the Children's Bureau, showing that such child is above the oppressive child-labor age for the occupation in which he is employed. [52 Stat. 1060.]

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